

REMARKS

Claims 1-23 are pending and are unamended. Withdrawal of the outstanding rejection is respectfully requested for at least the reasons set forth below.

Rejection under 35 U.S.C. § 103(a)

Claims 1-7, 9-17 and 19-23 were rejected under 35 U.S.C. 103(a) as allegedly being obvious over Ballard in view of Applicant's admitted prior art (hereafter, "APA"). Claims 8 and 18 were rejected under 35 U.S.C. 103(a) as allegedly being obvious over Ballard in view of APA and further in view of Teibel.

1. Patentability of claims 1, 9, 11 and 19

Regarding claim 9, the concept of a setup page is completely absent from Ballard. The Examiner asserts that column 5, line 64 through column 6, line 8 of Ballard discloses steps (a) and (b) of claim 1. This is incorrect. This portion of Ballard reads as follows:

An end user sets a preference accessible through the web browser software to define the URL for the first web page to be accessed and displayed upon logging onto the global computer network 10. Such first web page is referred to as the default home page. The user may changes the web browser preferences to change the default home page.

Once the user is logged onto the global computer network 10 and the home page is displayed, the user can browse other web pages. Typically, the home page has a set of hyperlinks which are preprogrammed with URL addresses for other information resources.

The Examiner asserts that Ballard teaches "using a setup web page having an address, the setup web page having access to an address of a supplemental web page..." Accordingly, the Examiner's position is as follows:

setup page = default home page

supplemental web page address = one of the hyperlinks in the default home page

Claim 9, however, recites three distinct elements, namely, a setup web page, a home web page, and a supplemental web page. In claim 9, the setup page is not the home page. Instead, the setup page is a page that has access to an address of a supplemental web page to be displayed in a floating window. **The concept of a setup page is thus completely absent from Ballard.** Ballard merely discloses that a browser automatically navigates to a default home page which is a different concept than providing the claimed setup page in addition to a home web page and a supplemental web page. In fact, the default home page described in Ballard is generally equivalent to the claimed “home web page,” also referred to as the “Old Home Page” in one preferred embodiment of the present invention.

As discussed above, the home page in claim 9 is not the setup page. In claim 9, the first step is to automatically navigate to the setup web page address (step (a)), which, in turn, automatically retrieves the supplemental web page address (steps (b) and (c)). The preamble makes clear that the supplemental web page (which appears in a floating window) supplements the display of a desired home web page.

One functional advantage of the setup page is that a user may set a supplemental web page that is different from any of the web pages that can be linked to from the home page. Thus, even if one were to try to use the conventional scheme described in Ballard for automatically launching a floating window that displays the supplemental web page as presumed by the Examiner, a user would be limited to selecting only supplemental web pages that can be linked to from the default home page.

The Examiner admits that Ballard lacks any disclosure of a floating window. In Ballard, if a user selects a hyperlink on the default home page, the web browser replaces the default home page with the web page associated with the hyperlink. Nonetheless, the Examiner asserts that the conventional use of a floating window in the APA would suggest to an artisan that a home web page can be supplemented with a floating window that displays the supplemental web page. This use of a floating window is an improper hindsight reconstruction of Applicant’s invention.

Claim 9 explicitly recite “automatically launching the floating window” whereas the APA only describes the ability to manually launch a floating window with a single mouse click. The floating window described in the APA is thus not automatically launched when the user logs onto the Internet, as required by claim 9. At best, the combination of Ballard and the APA would suggest that a floating window could be launched upon a manual, user-initiated mouse click.

The combination of Ballard and the APA therefore lack a significant feature of the present invention, namely step (c) of claim 9 which requires automatically launching the floating window.

In sum, the combination of Ballard and the APA fails to disclose or suggest any of the steps in claim 9.

Claims 1, 11 and 19 recite similar limitations as claim 9 and thus are believed to be patentable over the applied combination for the same reasons as discussed above regarding claim 9. Claim 1 further explicitly recites that the setup web page has access to an address of a home page and an address of a supplemental web page, and that the setup web page automatically retrieves the home page address and the supplemental web page address. Therefore, the setup web page inherently must be a distinct entity from the home page and the supplemental web page. Again, Ballard has no setup page and even the Examiner's reading of Ballard identifies only a setup web page and a supplemental web page address, and not three different items that can be correlated to a setup page, home page address and a supplemental web page address.

2. Patentability of dependent claims

The dependent claims are believed to be patentable because they depend from allowable independent claims and because they recite additional patentable features.

Regarding claims 8 and 18, Teibel does not make up for any of the above-noted deficiencies in Ballard or APA.

Conclusion

Insofar as the Examiner's rejections were fully addressed, the instant application is in condition for allowance. A Notice of Allowability of all pending claims is therefore earnestly solicited.

Respectfully submitted,

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June 6, 2005
(Date)

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